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I. STATEMENT OF POLICY

It is the policy of the Department of Children and Family Services (DCFS) to make a reasonable effort to return to work on a restricted or light duty basis those employees who are off duty as a result of work-related injuries or illnesses, receiving Worker's Compensation benefits, and are temporarily unable to return to their full former employment. **DCFS cannot, however, guarantee placement and is under no obligation to offer, create, or encumber any specific position for the purpose of offering placement.**

The return-to-work policy is economically beneficial to DCFS, the State of Louisiana, as well as employees in regaining the economic, health, and emotional benefits of full employment.

This policy is authorized by the [Louisiana Worker's Compensation Act](#), [Senate Concurrent Resolution 50 of the 1997 Regular Legislative Session](#).

This policy applies to DCFS employees who are off duty as a result of work-related injuries or illnesses, receiving Worker's Compensation benefits, and have not reached maximum medical improvement when meaningful assignments are available. Any such assignments must serve legitimate business needs and must comply with the employee's medical/physical restrictions. However, such temporary assignments shall not displace other employees from their job duties.


This policy does not apply to employees with disabilities as defined by the Americans with [Disabilities Act \(ADA\) of 1990](#) and any subsequent amendments. Reasonable accommodations will be provided to such employees in accordance with [DCFS Policy 2-04 Reasonable Accommodations](#). Managers should contact the Human Resources Section for guidance on ADA matters.

II. PROCEDURES

Responsibilities

A. *Appointing Authority


- Each Appointing Authority shall be responsible for implementing this policy and assuring that managers and supervisors comply with the provisions and intent of this policy.
- Will make all final decisions regarding early return to work. Such placement approval must be granted and documented prior to the employee's return to duty.

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- Shall consider and document the impact of any alteration in hours or duties on the productivity, workload, or work environment of other employees, the availability of alternative work assignments, and impact on client services.
- Shall obtain a determination from the Human Resources Director or designee as to whether or not the employee meets the Civil Service minimum qualification requirements of the position job title. Position must be currently allocated and budgeted.
- Must assess and determine that the section where the position is located has a need for the vacancy to be filled.**

B. *Human Resources Director or Designee

- Facilitates management of all transitional return to duty cases.
- Acts as liaison for all interested parties, and as such remains available for general information and assistance to the sections in making a determination on accommodations.
- If applicable, review forms for completion by appropriate persons.
- Informs injured employee of benefit options, rights and responsibilities.
- Maintains contact with the appointing authority, DCFS Bureau of General Counsel (BGC), injured employee and Office of Risk Management (ORM) Third Party Administrator (TPA).
- Addresses human resources concerns such as classification issues and provides the Appointing Authority with a recommendation as to whether or not the modification complies with Civil Service Rules and guidelines.
- Maintains injury records, history, and confirms written offers of placement to employees, and provides copies to appropriate safety coordinator.
- Works with the supervisor or designated staff to identify specific job tasks and suggest appropriate job modifications.
- Submits the completed Transitional Duty Plan to the ORM TPA, ORM Return to Work Coordinator (RTWC).
- Ensures the injured employee's salary and benefits are handled appropriately.**


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C. *Section Supervisor/Manager

- Develops a list of essential duties ([see sample](#)) for the employee's pre-injury, regular position, which is forwarded to the Human Resources Director or designee.
- When appropriate, identifies or develops modified work assignment for the employee, within medical restrictions.
- When necessary, requests approval of the appointing authority to recommend a detail to special duty for a period not to exceed one year to a temporary alternative duty position or modified duty assignment.
- Maintains contact with the injured worker and the Human Resources Director or designee.
- Participates on the Transitional Return to Work Team.
- Ensures employee's file is fully documented detailing all actions taken to return employee to work.**

D. *Employee

- Returns the [Physician's Modified Information Sheet](#) to the immediate supervisor within 24 hours of receipt of the signed form from the treating physician.
- Works within the restrictions provided by the physician.
- Complies with medical treatment and keep all scheduled medical appointments
- Advises the immediate supervisor and ORM's TPA and RTWC if the transitional work is physically too difficult.
- Follows all DCFS policies and practices regarding attendance and leave.
- Provides his/her immediate supervisor with regular updates on status.
- If offered a transitional duty placement, accepts and returns to modified duty status or modified work schedule which is within restrictions as set by the treating physician.
- If the employee refuses the proposed modified position or reassignment of duties, he/she must submit a written statement of the refusal.

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- If medically cleared, returns to and performs all essential requirements of the pre-injury, regular position at the end of his transitional duty.**

E. *Safety Coordinator

- Serves on the Transitional Return to Work Team and offers advice as necessary.
- If applicable, reviews form(s) for completion.**

F. *Office of Risk Management TPA

- Coordinates the Early Return-to-Work Program, including transitional/light duty or alternate duty assignments.
- Administers claims for medical and disability benefits to employees who are injured on the job.
- The TPA, appoints a consultant who is responsible for the following:
 - Provides the treating physician with transitional job duty assignments and consults as appropriate.
 - Makes a determination as to the employee's ability to perform the proposed transitional duties with the anticipation of full performance in his/her regular position within one year of return to transitional/light duty.**


G. *Transitional Return to Work Team

This policy establishes the Transitional Return to Work Team which is comprised of:

- Human Resources Director or designee (who serves as the Team Chair),
- Immediate supervisor of the transitional position
- Safety personnel
- Management representative
- Claim Adjuster for Office Risk Manager (ORM), Third Party Administrator (TPA)
- ORM, TPA Return to Work Coordinator (RTWC)
- ORM, TPA Vocational Rehabilitation Counselor (VRC) as needed

Note: Other individuals may participate on the team such as section head, regional administrator, etc., as determined by the Human Resources Director or designee.

The Transitional Return to Work Team shall meet monthly to review the cases of employees that are absent from work as a result of a work related injury or illness, the

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employee must be receiving benefits for lost time. The team will review the injured employees current [Physician's Modified Information Sheet](#) to determine if there is a change in the injured employee's medical status.

It will not be necessary for the team to meet if there are no active lost time claims. The Human Resources Team member must inform the Appointing Authority when an employee has been released to return to work on transitional duty or light duty following an on-the-job injury.

The Human Resources Team member will schedule a meeting with the Transitional Return to Work Team to assess the job tasks of the employee's pre-injury position and determine if transitional tasks are applicable, if any to the employee's current physical restrictions.

If the employee is incapable of performing any job tasks in the position or in the location in which the employee works, the team will review recommendations of suitable job tasks within the employee's current physical restrictions, workstation, and work schedule with the employee's commuting area made by the supervisor and team member. The Transitional Return to Work Team shall review the job tasks and identify physical and mental requirements that can be considered "transitional" duties in the work environment.

- Documents all decisions made and actions taken to assist the injured or ill employee.
- The plan will be forwarded to the TPA and the RTWC for processing by the Human Resources Team representative.
- An effort will be made to place the employee in his/her original work unit; however, if this is not possible, the team will modify the position duties for up to six (6) months based on Civil Services guidelines. The appointing authority of the work unit in which the "transitional" duty assignment is identified must approve the proposed placement prior to further action being taken.
- Once the treating physician confirms that the employee is capable of performing the "transitional" duty functions, the employee may be allowed to return to work on an appropriate "transitional" duty assignment. The TPA, RTWC, or Vocational Rehabilitation Counselor will forward the confirmation of the employee's release by the physician to the Human Resource Director or designee.
- When a detail to special duty is applicable to the transitional duty plan, provisions shall apply and be documented for all classified employees, as follows:

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- Employees may be detailed to special duty for a transitional return-to-work period not to exceed one year. **No extension of this type of detail shall be authorized.**
- The reason for the detail must be clearly stated and kept in the employee's personnel file in the State Office Human Resources Section.
- The employee returning to work may be detailed to special duty with no pay reduction or detailed up. Details to a higher position will be allowed on a case-by-case basis, when justified. A position may be double encumbered, if fiscally prudent and beneficial to the clients we serve.

Note: *The agency shall not to have direct contact with the treating medical personnel.*

H. *To be eligible for Return to Work, an employee must:

- Be off work as a result of work-related injuries, illness or diseases;
- Be receiving Worker's Compensation benefits;
- Have the treating physician's approval to return to transitional/light duty work ([Physician's Modified Information Sheet](#)); and
- Provide a written statement from his/her physician indicating that the employee is reasonably expected to return to full duties and work schedule of his/her pre-injury, regular position upon reaching maximum medical improvement or one year, whichever is less.**

1. Pre-Accident Job Tasking


Job tasking is the process of detailing each specific job task performed in a position to ensure injured workers are returned to a safe work environment. A job tasking for each position of injury that result in lost time must be completed.

Consult with first-line supervisors to ensure employees will not be worked outside of the restrictions placed by the treating physician.

Human Resources will maintain a file of job tasks for each position for which a lost-time claim has occurred.

2. Accommodation Types

In an effort to return an employee to work the agency may modify job tasks, equipment or work schedules in accordance with the Department of State Civil Service provisions as outlined in the HR Managers' Handbook that is maintained on the Civil Services website.

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Accommodation may include, but are not limited to the following:

- *Modified Work* - Includes modification to the job tasks, functions and hours of work, frequency of breaks, worksite, or any combination of these.
- *Alternate Work* - Different from the employee's pre-injury job or illness, offered to a worker who is temporarily or permanently unable to perform their pre-injury work.
- *Transitional Work* - A group of tasks or specific jobs that can be performed until the worker is capable of returning to full pre-injury duties.

Note: DCFS will not create a position for Transitional Return to Work.**

*** I. The Transitional Return to Work Plan**

1. Information to be Included in the Plan

A transitional return to work plan should be completed by the supervisor of the injured employee and the Human Resources Return to Work Team representative.

The return to work plan should include the following:

- Specific job tasks identified
- Hours to be worked
- Duty assignment
- Physical restrictions

The plan shall be reviewed and approved by each member of the team


Note: The plan must be approved by ORM TPA, VRC, and the employees' physician.

2. Before the Employee Returns to Work

The agency will hold a return to work meeting with the employee to review the plan before the employee returns to work.

3. The Return to Work Offer

Prior to returning to work, the Appointing authority or his/her designee will contact the employee to discuss the plan, offer the modified or transition duty, and, if accepted, notify the employee of the date he/she is expected to return to work and state the period of the temporary assignment.

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The employee shall sign and date the plan, along with his/her supervisor and an additional witness, certifying that the plan has been discussed with him/her.


DCFS will provide transitional employment for up to one year utilizing Civil Services' Detail to Special Duty provisions as outlined in the Louisiana State Department of Civil Service Rules and the HR Managers' Handbook that is maintained on the Civil Service website, or until the injured worker can medically return to full duty.

The following guidelines must be followed when offering an employee a transitional return to work position:

- The offer must be made in writing.
- If the injured employee is represented by counsel, the notice shall be sent to the employee via counsel.
- Certified mail return receipt request or electronic mail.
- A specific return to work date and time must be provided in writing.
- Duty assignments.
- Identify the supervisor or manager the employee should report too.

4. After the Employee Returns to Work

- The return to work team shall review the "transitional" work plan every 30 days to determine if the employee is still in "transition" based on physician recommendations.
- The agency shall not require the employee to perform tasks that have been prohibited by the treating physician when the employee returns to work on a transitional return to work plan.
- The ORM TPA will be responsible for communications with medical personnel.
- An employee will be reported to the ORM TPA and may possibly lose benefits if he/she refuses to return to "transitional" duty for which he/she was medically cleared.

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J. Termination of Employment

The Human Resources Office will be responsible for notifying the ORM TPA if an employee is at risk of removal due to exhaustion of sick leave.

The agency must ensure the following:

- Documentation is maintained on failed transitional return to work employment.
- Maintain documentation of efforts made to identify transitional return to work tasks.
- Maintain documentation of barriers in identifying transitional return to work tasks could not be identified, if applicable.
- Notify the RTWC for the ORM TPA when an injured worker is removed from work or the accommodations are no longer available.

Note: Employees who are unable to return to work as a result of a work-related illness or injury may be eligible for medical leave in accordance with [DCFS Policy-11 Family and Medical Leave](#). In this case, the procedures detailed in that policy shall be followed.

Consequently, those employees who have exhausted their FMLA entitlement (if applicable), are unable to return to work, and have a balance of less than 8 hours sick leave may be removed from employment under [Civil Service Rule 12.6 \(a\) 1](#) and in accordance with [DCFS Policy 4-7 Disciplinary Corrective Actions and Separations](#) after efforts to return the employee to work have failed and appropriately documented.


K. Measure of Effectiveness

The [Transitional Return to Work Audit Form \(DA WC4000\)](#) shall be used to measure the effectiveness of the agency's transitional duty employment program.

This report will be reviewed by the Loss Prevention section of the ORM's TPA during the agency's annual loss prevention audit.

L. Final Considerations

- DCFS reserves the right to obtain a second medical opinion on the employee's condition at the employer's choosing and expense.

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- In the event an employee refuses an accommodation or reassignment to duties that are within the employee's restrictions and ability to perform, the employer is not obligated to provide alternatives. In such case, Human Resources will notify the ORM TPA and ORM RTWC which may result in the termination of the employee's worker's compensation benefits.
- DCFS will generally not allow overtime status to individuals working under this program; however, it shall be at the employing Appointing Authority discretion whether the employee's restrictions permit overtime work.
- Implementation of this policy is the responsibility of DCFS; however, it will require cooperation and coordination among section supervisors/managers, Human Resources, legal staff, the employee, and his/her physician.
- DCFS receives an annual premium assessment for Worker's Compensation costs. This premium is based on both employee exposure and claims experience and is allocated to sections. Thus there is an incentive for sections to reduce Worker's Compensation lost time payment costs.

M. Exceptions

The DCFS Secretary, DCFS Deputy Secretary of Operations, DFS Deputy Secretary of Programs, and DCFS Undersecretary may grant an exception to any provision of this policy, provided such exception shall not be in conflict with Civil Service Rules and Regulations or State and Federal laws to persons under his/her appointing authority.

If an employee is off on a Worker's Compensation claim and has been released from the physician to work with no limitations, this policy should not apply.**

III. FORMS AND INSTRUCTIONS

[Physician's Modified Information Sheet](#)

[Transitional Return to Work Audit Form \(DA WC4000\)](#)

IV. REFERENCES

Definition

Return-to-work: Is a "transitional" duty assignment designed to provide employees who are receiving Worker's Compensation benefits as a result of an on-the-job injury, illness, or disease, the opportunity to perform productive work within the physical and environmental limitations posed by the injury or illness.